



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

998 MISC. CIVIL APPLICATION NO. 118 OF 2024

**CHAITALI NEELKANTH KADAM
VERSUS
NEELKANTH MANGESH KADAM**

...
Advocate for the applicant : Adv.Shyam Jawale h/f.
Adv.Shritej Surve
Advocate for Respondent : Adv.Nilesh Bhagawat
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 13.09.2024

P.C. :

1] Heard the learned counsel for the applicant.

2] By the present application, the applicant seeks transfer of the Petition No. A-313 of 2023 under Section 9 of the Hindu Marriage Act, 1955 for Restitution of Conjugal Rights filed before the Family Court, Nashik to be transferred to the Family Court at Aurangabad.

3] The learned counsel for the applicant submits that the applicant is staying with her parents at Aurangabad. She is working lady and she has custody of 2 ½ years old child. The learned counsel further submits that the respondent – husband is attending the proceedings

pending before the Court at Aurangabad. The learned counsel further submits that it would be difficult for the applicant to attend the proceedings at Nashik and that the respondent – husband can conduct the proceedings at Aurangabad.

4] *Per contra*, the learned counsel for the respondent – husband submits that the applicant is educated lady and she is working lady. Therefore, it would not be difficult for the applicant–wife to defend the proceedings at Nashik Court.

5] Having considered the submissions, more particularly, the applicant has custody of child of 2 ½ years old and that the respondent–husband is attending the proceedings filed before the Court at Aurangabad, the present Misc. Civil Application is allowed in terms of prayer clause-B.

6] However, it is directed that the applicant – wife will not take unnecessary adjournment in the matter without informing the husband well in advance so as to avoid inconvenience to the respondent husband of travel. The Family Court at Aurangabad is directed to allow the respondent-husband to appear through Video Conferencing where ever it is possible so as to avoid inconvenience to the respondent-husband.

7] With the above observations, the present Misc.
Civil Application is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC